UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

MICHAEL C. KIMBROUGH,

CASE NO. 1:13-CV-02299

Petitioner,

.

v. : OPINION & ORDER

[Resolving Docs. 1, 8]

KIMBERLY CLIPPER, Warden,

:

Respondent.

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On July 7, 2014, Magistrate Judge Nancy A. Vecchiarelli recommended that the Court dismiss the petition of Michael C. Kimbrough for a writ a habeas corpus filed pursuant to 28 U.S.C. § 2254. Kimbrough has not filed an objection to the Report and Recommendation.

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection.^{2/} Parties must file any objections to a Report and Recommendation within fourteen days of service.^{3/} Failure to object within that time waives a party's right to appeal the Magistrate Judge's recommendation.^{4/} Absent objection, a district court may adopt the Magistrate Judge's report without

 $[\]frac{1}{2}$ Doc. 8.

^{2/}28 U.S.C. § 636(b)(1).

 $[\]frac{3}{N}$.D. Ohio L.R. 72.3(b).

 $[\]frac{4}{Id}$; see <u>Thomas v. Arn</u>, 474 U.S. 140, 145 (1985); <u>United States v. Walters</u>, 638 F.2d 947, 949-50 (6th Cir. 1981).

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review. 5/2 Moreover, having conducted its own review of the petition 6/2 and record 7/2 the Court agrees

with the conclusions of the Magistrate Judge.

Accordingly, the Court ADOPTS Magistrate Judge Vecchiarelli's findings of fact and

conclusions of law and incorporates them fully herein by reference. The Court DISMISSES

Kimbrough's habeas petition.

IT IS SO ORDERED.

Dated: January 13, 2015 s/ James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

 $\frac{5}{T}$ Thomas, 474 U.S. at 149.

 $\frac{6}{2}$ Doc. 1.

 $\frac{7}{1}$ Doc. 7.

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